

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.186/99

Monday, this the 13th day of August, 2001.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.A.Sadanandan,
Retired Scientist(S2)
Central Institute of Fisheries Technology,
Kochi, residing at:
Kavalampara House,
Azad Road,
Kaloor, Ernakulam. - Applicant

By Advocate Mr P Ramakrishnan

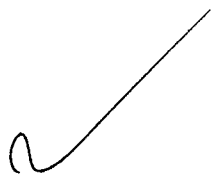
Vs

1. Union of India represented by the
Secretary,
Ministry of Agriculture,
New Delhi.
2. The Director,
Indian Council of Agricultural Research,
Krishi Bhavan,
New Delhi.
3. Agriculture Scientist Recruitment Board,
Dr.K.S.Krishnan Marg,
Pusa, New Delhi-110 012
represented by its Secretary.
4. The Director,
Central Institute of Fisheries Technology,
Willingdon Island,
Kochi-29. - Respondents

By Advocate Mr C Rajendran, SCGSC(for R-1)

By Advocate Mr P Jacob Varghese(for R.2 to 4)


The application having been heard on 13.8.2001, the Tribunal
on the same day delivered the following:



O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN


The applicant, who commenced service as a Research Assistant in the Central Institute of Fisheries Technology(CIFT for short) on 12.5.58, was promoted to Scientist (S2) grade on 9.12.75. Although became eligible for placement in S3 grade by 31.12.80, on the basis of an assessment made by the Agricultural Recruitment Board (ASRB for short) in November, 1983, he was awarded only one advancement increment with effect from 1.7.84. Thereafter, he was assessed for a 10 year period ending 31.12.85 by the Committee which met on 14.12.90, but the result was not declared. However, misinterpreting the circular dated 20.12.90, the applicant was informed by A-3 letter dated 28.11.91 that the benefit of assessment for the period ending 31.12.85 would not be permissible in view of the ICAR circular dated 20.12.90. The applicant, inviting attention of the Director General of ICAR's circular dated 15.12.94 and pursuant to the order of this Bench of the Tribunal, in the case of Smt.Grace Mathew Vs CMFRI and others which was affirmed by the Hon'ble Supreme Court, made a representation on 19.1.96 requesting that the result of the assessment made on 14.12.90 may be intimated to him. As there was no response, the applicant approached this Tribunal by filing O.A.434/96. During the pendency of that application, an order dated 2.5.96(A-6) was issued by the ICAR granting the applicant 3 advance increments intimating that as the ASRB did not recommend the applicant for promotion to S3 grade on the assessment for the period ending 31.12.85. Noting that this order was issued, as agreed to by the learned counsel for the



applicant, the O.A. was disposed of leaving liberty to the applicant to make a representation to the ASRB, if he was aggrieved by the outcome of the assessment. The applicant made a representation. The ASRB on consideration of his representation, has passed the impugned order dated 27.3.98 turning down the request of the applicant on the ground that in view of the Council's letter No.8-14/85 Per-IV dated 25.7.85, the benefit of review to grant assessment benefit to a Scientist retrospectively with effect from the due date would be admissible only once in the course of assessment/re-assessment in a grade. Since one review of assessment had already been done on 5.11.86, on the basis of the review notes submitted by the applicant, further review was not possible as also the system of review assessment result has been discontinued vide the Council's letter dated 22.6.89, which provides that there shall be no provision for review of assessment/re-assessment for the periods ending December 1994 onwards.

2. Aggrieved by that the applicant has filed this application seeking to set aside the impugned order, for a declaration that he is entitled to be reassessed for the period ending 31.12.85 and for a direction to the third respondent to conduct a reassessment/review assessment of the applicant's work to the next higher grade of Scientist S-3.

3. Respondents have filed a reply statement in which they resist the claim of the applicant on the ground that the applicant having been not found fit for placement in grade of Scientist S-3 on the basis of the assessment for the period

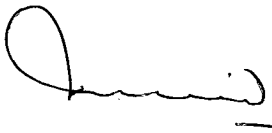


ending 31.12.85, was awarded 3 advance increments with effect from 1.7.86, and a further review is not permissible as per the instructions contained in the ASRB circular referred to in the impugned order.

4. On a careful scrutiny of the entire material available on record and on hearing the learned on either side, we do not find any reason for interference in the matter. The basic grievance of the applicant appears to be that the assessment made by ASRB on 14.12.90 was not proper. In what way the assessment was improper has not been mentioned in the application. It has not been stated that any relevant factors were left out of consideration or that the decision was based on any extraneous consideration. No allegation of malafides has also levelled. From a reading of A-1, it would appear that what the applicant sought was the review of assessment. The applicant has not produced a copy of the representation made pursuant to A-7 order. Therefore, there is nothing on record to show that whether the applicant had sought a review or not. If the applicant had sought was a review, the decision contained in A-1 to reject the claim on the ground that a second review was not permissible, cannot be faulted.

5. In the light of what is stated above, finding no merit, the application is dismissed. No costs.

Dated, 13th August, 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of letter No.21(31)88-Rectt. dated 27.3.98 from the 3rd respondent.
2. A-3: True copy of letter No.5-9/86-AU dated 28.11.91 from the 2nd respondent to the 4th respondent.
3. A-6: True copy of O.O.No.5-9/86 AU dated 2.5.96 issued by the 2nd respondent.
4. A-7: True copy of order dated 12.11.97 in O.A.434/96 of this Tribunal.